

BEFORE THE FEDERAL ELECTION COMMISSION

THOMAS GILES, STEPHANIE BARNARD  
CAROLE ELIZABETH LEVERS, and  
J. WHITFIELD LARRABEE,  
*Complainants*

v.

PARTY OF REGIONS, EUROPEAN CENTRE  
FOR A MODERN UKRAINE, INA KIRSCH,  
VIKTOR YANUKOVCHYH,  
REPRESENTATIVE DANA T. ROHRABACHER,  
REPRESENTATIVE EDWARD R. ROYCE,  
SENATOR JAMES E. RISCH,  
COMMITTEE TO RE-ELECT  
CONGRESSMAN DANA ROHRABACHER,  
ROYCE CAMPAIGN COMMITTEE,  
JIM RISCH FOR U.S. SENATE COMMITTEE,  
JACK WU, KELLY LAWLER, JEN SLATER,  
R. JOHN INSINGER, PAUL J. MANAFORT, JR.,  
JOHN V. WEBER, EDWARD S. KUTLER,  
MICHAEL MCSHERRY, DEIRDRE STACH,  
GREGORY M. LANKLER, MERCURY, LLC,  
MERCURY PUBLIC AFFAIRS, LLC d/b/a  
MERCURY/CLARK & WEINSTOCK,  
DMP INTERNATIONAL, LLC, and  
DAVIS, MANAFORT AND FREEDMAN,  
*Respondents*

MUR NO. 7272

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COMPLAINT

1. This is a complaint based on information and belief that the Respondents violated the Federal Election Campaign Act, as amended by the Bipartisan Campaign Reform Act. The Respondents participated in a scheme in which foreign nationals, the Party of Regions (of Ukraine) and the European Centre For a Modern Ukraine, indirectly gave campaign contributions to the political committees of Representative Dana Rohrabacher, Representative Edward Royce and Senator James Risch. As a result of this illegal scheme, campaign contributions originating with foreign nationals corrupted the 2014 primary and general elections, the deliberations of the United States Senate and the deliberations of the United States House of Representatives.

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2. Representative Dana T. Rohrabacher ("Rohrabacher") Representative Edward R. Royce ("Royce") and Senator James E. Risch ("Risch"), illegally accepted, received and retained campaign contributions that they knew were made by foreign nationals in the names of lobbyists and foreign agents. The lobbyists and foreign agents were engaged in lobbying related to matters before the Senate Committee on Foreign Relations and the House Foreign Affairs Committee.
  3. The political committees of these elected officials, and the treasurers of these committees, including Jack Wu, Kelly Lawler, Jen Slater and R. John Insinger, also illegally and knowingly accepted, received and/or retained campaign contributions indirectly made by foreign nationals in violation of the Federal Election Campaign Act.
  4. Paul J. Manafort, Jr., John V. Weber, Edward S. Kutler, Michael McSherry, Deirdre Stach and Gregory M. Lankler were lobbyists and foreign agents for the Party of Regions and/or the European Centre For a Modern Ukraine. Each of these lobbyists and foreign agents made campaign contributions in their own names on behalf of their foreign clients to the campaign committees of Rohrabacher, Royce and Risch.
  5. In acting as a ringleader of the illegal scheme described in this complaint, Paul J. Manafort, Jr. conducted business through his lobbying and public relations companies, DMP International, LLC, and Davis, Manafort and Freedman.
  6. In participating in the illegal scheme described in this complaint, John V. Weber, Edward S. Kutler, Michael McSherry, Deirdre Stach and Gregory M. Lankler acted within the scope of their agency and employment of lobbying companies Mercury Public Affairs, LLC d/b/a Mercury/Clark & Weinstock and Mercury, LLC.

#### **PARTIES**

7. Complainant Thomas Giles, of \_\_\_\_\_, Laguna Beach, California 92651, is an individual who resides in the 48<sup>th</sup> Congressional District of California and is a constituent of Representative Dana T. Rohrabacher.
8. Complainant Carole Elizabeth Levers, of \_\_\_\_\_, Yorba Linda, California 92886, resides the 39<sup>th</sup> Congressional District of California and is a constituent of Representative Edward R. Royce.
9. Complainant Stephanie Barnard, of \_\_\_\_\_, Cincinnati, OH 45223, is an individual who resides in the 1<sup>st</sup> Congressional District of Ohio and is a constituent of Representative Steven Chabot.
10. Complainant J. Whitfield Larrabee, of 251 Harvard Street, Suite 9, Brookline, Massachusetts 02446, is an individual and attorney licensed to practice law in the Commonwealth of Massachusetts.

11. Respondent, Party of Regions, is a political party whose last known address was \_\_\_ Lipskaya Street, Kiev, Ukraine. As a result of the 2014 Ukrainian Revolution, the Party of Regions may not be presently active in the Ukraine. It can be reached via the former President of Ukraine, Viktor Yanukovich, whose address is Eremenko, 81-V, Rostov-on-don, Russia.
12. Respondent, The European Centre For a Modern Ukraine ("ECFMU"), is located at 14 Rue de la Science, 1040 Brussels, Belgium.
13. Respondent, Ina Kirsch ("Kirsch"), is the Administrator for External Relations at the European Centre for Modern Ukraine, 14 Rue de la Science, 1040 Brussels, Belgium. Kirsch is joined in this action because she acted on behalf of the ECFMU in executing contracts and in participating in the scheme to violate the Federal Election Campaign Act.
14. Respondent, Viktor Yanukovich ("Yanukovich"), the former President of Ukraine, resides at Eremenko, 81-V, Rostov-on-don, Russia. Yanukovich is joined in this action because he participated in lobbying campaign and very likely knew about and approved the scheme to violate the Federal Election Campaign Act.
15. Respondent Dana T. Rohrabacher of 2300 Rayburn House Office Building, Washington, DC 20515 is a Member of the United States House of Representatives. He presently represents California's 48th congressional district. He has served in Congress since 1989. Rohrabacher is a Member of the House Committee on Foreign Affairs and has been a Member for more than a decade.
16. Respondent Edward R. Royce of 2310 Rayburn House Office Building, Washington, DC 20515 is a Member of the United States House of Representatives. He presently represents California's 39th congressional district. He has served in Congress since 1993. Royce is a Member of the House Committee on Foreign Affairs. He has been the Committee Chairman since January, 2013.
17. Respondent James E. Risch of Russell Senate Office Building, 483 Delaware Avenue, NE, Washington, DC 20510 is a Member of the United States Senate. He has been on the Senate Committee on Foreign Relations since at least 2009.
18. Respondent Committee to Re-elect Congressman Dana Rohrabacher, now Rohrabacher for Congress, is located at 9070 Irvine Center Drive, #150 Irvine, CA 92618.
19. Respondent Royce Campaign Committee is located at P.O. Box 3249, Fullerton, CA 92834-3249.
20. Respondent Jim Risch for U.S. Senate Committee is located at 407 West Jefferson, Boise, ID 83702.

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21. Respondent Jack Wu ("Wu"), of 3419 Via Lido, Suite 183, Newport Beach, California 92663, was the treasurer of the Committee to Re-elect Congressman Dana Rohrabacher at times relevant to this complaint.
  22. Respondent Jen Slater ("Slater") is the present treasurer of Rohrabacher For Congress, 9070 Irvine Center Drive, #150, Irvine, CA 92618. Rohrabacher For Congress is the successor of the Committee to Re-elect Congressman Dana Rohrabacher.
  23. Respondent Kelly Lawler ("Lawler") of Royce Campaign Committee, P.O. Box 3249, Fullerton, CA 92834-3249 was the treasurer of the Royce Campaign Committee at all times relevant to this complaint.
  24. Respondent R. John Insinger ("Insinger") of Jim Risch for U.S. Senate Committee, 407 West Jefferson, Boise, ID 83702 was the treasurer of the Jim Risch for U.S. Senate Committee at all times relevant to this complaint.
  25. Respondent Paul J. Manafort, Jr. ("Manafort") of 10 Saint James Drive, Palm Beach Gardens, Florida 33418 is a lobbyist and political consultant. Between 2012 and 2014, Manafort, through his companies DMP International, LLC and Davis, Manafort and Freedman, and possibly other entities, engaged in a multi-million dollar lobbying and influence peddling campaign on behalf of his clients the Party of Regions and other foreign nationals. Until on or about June 27, 2017, Manafort illegally concealed his activities on behalf of the Party of Regions and other foreign principals from the public by failing to register as foreign agent under the Foreign Agent's Registration Act ("FARA"). In Manafort's recently filed FARA Registration Statement, he admitted that he was acting as the foreign agent of the Party of Regions from whom he received \$17 million in payments. There are grounds to believe that Manafort was also an agent of Russia at times relevant to this complaint. Manafort coordinated with other lobbyists in making a campaign contribution as part of the lobbying and influence peddling campaign.
  26. Respondent John V. Weber ("Weber") of Mercury, LLC, 300 Tingey Street, SE, Suite 202, Washington DC 20003 is a lobbyist and political consultant. He resides at , Alexandria, VA 22308. Weber is also known as "Vin Weber." He is a partner and managing director of Mercury, LLC and Mercury Public Affairs, LLC d/b/a Mercury/Clark & Weinstock. From 2012 to 2014, Weber served as a lobbyist and foreign agent of the European Centre For a Modern Ukraine. Weber coordinated with other lobbyists in making campaign contributions as part of the lobbying and influence peddling campaign. Weber is a former Member of the House of Representatives.
  27. Respondent Edward S. Kutler ("Kutler") of 6405 Tree Top Circle, Columbia, MD 21045-2104 is a lobbyist and political consultant. He was previously a partner of Mercury, LLC and Mercury Public Affairs, LLC d/b/a Mercury/Clark & Weinstock. From 2012 to 2014, Kutler served as a lobbyist and foreign agent of the European Centre For a Modern Ukraine. Kutler coordinated with other lobbyists in making campaign contributions as part of the lobbying and influence peddling campaign.

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28. Respondent Michael McSherry ("McSherry") of Mercury, LLC, 300 Tingey Street, SE, Suite 202, Washington DC 20003 is a lobbyist and political consultant. He resides at 6247 Auburn Leaf Lane, Alexandria, VA 22312. He is a partner and managing director of Mercury, LLC and Mercury Public Affairs, LLC d/b/a Mercury/Clark & Weinstock. McSherry served as a lobbyist and foreign agent of the European Centre For a Modern Ukraine. McSherry coordinated with other lobbyists in making a campaign contribution as part of the lobbying and influence peddling campaign.
  29. Respondent Deirdre Stach ("Stach"), of Mercury, LLC, 300 Tingey Street, SE, Suite 202, Washington DC 20003 is a lobbyist and political consultant. She is a Senior Vice President of Mercury, LLC and was employed by Mercury Public Affairs, LLC d/b/a Mercury/Clark & Weinstock in 2013. Stach coordinated with other lobbyists in making a campaign contribution as part of the lobbying and influence peddling campaign.
  30. Respondent Gregory M. Lankler ("Lankler"), of Mercury, LLC, 300 Tingey Street, SE, Suite 202, Washington DC 20003 is a lobbyist and political consultant. He is a Managing Director of Mercury, LLC and was employed by Mercury Public Affairs, LLC d/b/a Mercury/Clark & Weinstock in 2013. Lankler coordinated with other lobbyists in making a campaign contribution as part of the lobbying and influence peddling campaign.
  31. Respondent Mercury, LLC ("Mercury"), 300 Tingey Street, SE, Suite 202, Washington DC 20003 is a lobbying and political consulting company.
  32. Respondent Mercury Public Affairs, LLC d/b/a Mercury/Clark & Weinstock, ("Mercury") 300 Tingey Street, SE, Suite 202, Washington DC 20003 is a lobbying and political consulting company. For purposes of this complaint, the Complainants will refer to Mercury Public Affairs, LLC and Mercury, LLC as Mercury. They appear to be functionally similar or the same for purposes of this complaint. Mercury employees acted as a group and coordinated with other lobbyists in making campaign contributions as part of the lobbying and influence peddling campaign.
  33. Respondent DMP International, LLC ("DMP") of 10 Saint James Drive, Palm Beach Gardens, Florida 33418 is a lobbying and political consulting company established by Manafort and wholly owned by him.
  34. Respondent Davis, Manafort, and Freedman of 211 North Union Street, Alexandria, VA 22314 is a political consulting firm established on or about 1996 by Manafort, Richard H. Davis and Matthew C. Freedman. The Complainants do not know if the company is presently in existence. Manafort is listed as employed by Davis, Manafort, and Freedman in FEC records related to his contribution to Rohrabacher in 2013.

## JURISDICTION

35. This complaint is filed in accordance with 52 U.S.C. § 30109 (a)(1).
36. If the Commission, upon receiving a complaint.... has reason to believe that a person has committed, or is about to commit, a violation of [the FECA]...[t]he Commission shall make an investigation of such alleged violation..." 52 U.S.C. § 30109 (a)(2).

## FACTS

37. During the 2012 to 2014 time period, the Party of Regions was allied with Vladimir Putin ("Putin") the President of Russia. Yanukovych, the President of Ukraine, was a leader of the Party of Regions during this time period. Manafort worked for Yanukovych and the Party of Regions during this time period. Yanukovych and Putin and shared many of the same foreign policy aims in relation to the United States. In 2014, in response to the Ukrainian Revolution, Yanukovych fled Ukraine to Russia under the protection of the Russian government. Yanukovych now lives in Russia.
38. According to the Associated Press, Manafort wrote a memo to Russian oligarch Oleg Deripaska ("Deripaska") in 2005 that outlined a plan for him to promote Russian interests in the former Soviet republics, to undermine anti-Russia opposition in the United States, and to benefit the Putin government. In the memo, Manafort stated: "We are now of the belief that this model can greatly benefit the Putin Government if employed at the correct levels with the appropriate commitment to success." In 2006, Manafort signed a \$10 million yearly contract with Deripaska to carry this plan into action. Deripaska and Manafort later became business partners.
39. Manafort's longtime business partner, Rick Gates ("Gates") who was employed by DMP International and was a partner of Manafort in Davis, Manafort and Freedman, was an active participant in Manafort's lobbying and influence peddling campaign from 2012 to 2014.
40. The Associated Press is in possession of emails discussing the lobbying campaign orchestrated by Manafort, Gates and DMP International. As reported by the AP:

The lobbying included attempts to gain positive press coverage of Ukrainian officials in The New York Times, The Wall Street Journal and The Associated Press. Another goal: undercutting American public sympathy for the imprisoned rival of Ukraine's then-president. At the time, European and American leaders were pressuring Ukraine to free her.

... The emails show Gates personally directed two Washington lobbying firms, Mercury LLC and the Podesta Group Inc., between 2012 and 2014 to set up meetings between a top Ukrainian official and senators and congressmen on influential committees involving Ukrainian interests. Gates noted in the emails that the official, Ukraine's foreign minister, did not want to use his own embassy in the United States to help coordinate the visits.

41. As part of the campaign, Gates and Manafort introduced individuals from Mercury Public Affairs, LLC d/b/a Mercury/Clark & Weinstock ("Mercury") and the Podesta Group, Inc. to individuals from the European Centre for a Modern Ukraine. The ECFMU, a Belgium based non-profit, was formed in 2012 by three senior members of the Party of Regions as a front group for Ukrainian government officials and the Party of Regions. The ECFMU hired Mercury and the Podesta Group to act as their lobbyists and foreign agents. The ECFMU paid Mercury at least \$1.2 million and it paid the Podesta Group at least \$1.2 million during the period from 2012 to 2014. Manafort joined with Mercury in lobbying for the ECFMU and the Party of Regions. Manafort/ DMP International received over \$17 million from the Party of Regions during the 2012 to 2014 time period, according to untimely FARA filings made by Manafort. It would not be surprising if some of these funds could be traced to the Russian government.
42. The ECFMU was very likely funded by the Party of Regions and/or Yanukovych. As the President of Ukraine and a leader in the Party of Regions, the lobbying and influence peddling campaign could not have occurred without Yanukovych's approval. Yanukovych participated in the lobbying and influence peddling campaign by travelling to the United States and meeting with U.S. government officials and lawmakers.
43. Lobbyists from Mercury and the Podesta Group arranged for a series of meetings with United States Senators, Representatives, and Congressional staff aimed at influencing members of the House Foreign Affairs Committee and the Senate Foreign Relations Committee. One of the aims of the campaign was to water down or defeat a resolution (H. Res. 28) under consideration in the House condemning the persecution of Yulia Tymeshenko, an opponent of Yanukovych in the 2010 Ukraine election who was held as a political prisoner in Ukraine from October 2011 to February 2014.
44. According to the Democratic National Committee ("DNC"), two pieces of legislation introduced on February 25, 2013 that were opposed by Mercury were stalled in Rohrabacher's subcommittee. The DNC has asserted that, on January 29, 2014, Rohrabacher spoke out against legislation Mercury opposed in committee. The DNC also asserted that, in March of 2014, Rohrabacher spoke out against the Ukraine Support Act and defended Putin on the House floor. He also urged Congress not to focus on Ukraine.

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45. On March 14, 2013, Representative Royce met with Kutler. The purpose of the meeting to lobby on behalf of the ECFMU. Romano Prodi, a former Prime Minister of Italy, also attended the meeting.
  46. On March 19, 2013, Manafort and Weber met with Rohrabacher. The purpose of the meeting to lobby on behalf of the ECFMU, the Party of Regions, and possibly other foreign nationals such as Russia.
  47. On November 13, 2013 Weber, Kutler and McSherry met with Senator Risch. The purpose of the meeting was to lobby on behalf of the ECFMU.
  48. After the candidates met individually with the lobbyists, the ECFMU and the Party of Regions made political contributions to Rohrabacher, Royce and Risch through Manafort, Kutler, Weber, McSherry, Stach, Lankler, DMP International, LLC (or Davis, Manafort and Freedman), Mercury, and other agents and employees. Based in part on the name of the European Centre For A Modern Ukraine, the subject matter of the meetings and in at least one case, the attendance of a foreign national at the meeting, Rohrabacher, Royce and Risch knew that the lobbyists were acting on behalf of foreign nationals.
  49. Federal Election Commission records show the following contributions from Kutler, Weber and Manafort to the Committee to Re-Elect Dana Rohrabacher:

Contributor name	Recipient	State	Employer	Receipt date	Amount
WEBER, JOHN	<u>COMMITTEE TO RE-ELECT CONGRESSMAN DANA ROHRABACHER</u>	VA	MERCURY CLARK & WEINSTOCK	03/22/2013	\$1,000.00
WEBER, JOHN	<u>COMMITTEE TO RE-ELECT CONGRESSMAN DANA ROHRABACHER</u>	VA	MERCURY CLARK & WEINSTOCK	03/22/2013	-\$1,000.00
WEBER, JOHN	<u>COMMITTEE TO RE-ELECT CONGRESSMAN DANA ROHRABACHER</u>	VA	MERCURY CLARK & WEINSTOCK	03/22/2013	\$1,000.00
MANAFORT JR, PAUL J	<u>COMMITTEE TO RE-ELECT CONGRESSMAN DANA ROHRABACHER</u>	VA	DAVIS MANAFORT & FREEDMAN	03/22/2013	-\$1,000.00
MANAFORT JR, PAUL J.	<u>COMMITTEE TO RE-ELECT CONGRESSMAN DANA ROHRABACHER</u>	VA	DAVIS MANAFORT & FREEDMAN	03/22/2013	\$1,000.00
MANAFORT JR, PAUL J.	<u>COMMITTEE TO RE-ELECT CONGRESSMAN DANA ROHRABACHER</u>	VA	DAVIS MANAFORT & FREEDMAN	03/22/2013	\$1,000.00
KUTLER, EDWARD	<u>COMMITTEE TO RE-ELECT CONGRESSMAN DANA ROHRABACHER</u>	MD	MERCURY/CLARK & WEINSTOCK	03/19/2013	\$500.00

50. Federal Election Commission records show the following contributions from Kutler, Weber and McSherry to the Jim Risch for U. S. Senate Committee:

Contributor name	Recipient	State	Employer	Receipt date	Amount
WEBER, VIN MR	<u>JIM RISCH FOR U S SENATE COMMITTEE</u>	VA		12/04/2013	\$1,000.00
MC SHERRY, MICHAEL T MR	<u>JIM RISCH FOR U S SENATE COMMITTEE</u>	VA		12/04/2013	\$1,000.00
KUTLER, EDWARD S MR	<u>JIM RISCH FOR U S SENATE COMMITTEE</u>	MD		12/04/2013	\$1,000.00



51. Federal Election Commission records show the following contributions from Kutler, Weber, McSherry, Lankler and Stach to the Royce Campaign Committee:

Contributor name	Recipient	State	Employer	Receipt date	Amount
KUTLER, EDWARD SAMUEL	ROYCE CAMPAIGN COMMITTEE	MD	MERCURY, CLARK & WEINSTOCK	02/27/2014	\$1,000.00
KUTLER, EDWARD SAMUEL	ROYCE CAMPAIGN COMMITTEE	MD	MERCURY, CLARK & WEINSTOCK	03/27/2014	\$900.00
MCSHERRY, MICHAEL T	ROYCE CAMPAIGN COMMITTEE	VA	MERCURY, CLARK & WEINSTOCK	06/21/2013	\$500.00
LANGLER, GREGORY M	ROYCE CAMPAIGN COMMITTEE	MD	MERCURY, CLARK & WEINSTOCK	06/21/2013	\$500.00
WEBER, VIN	ROYCE CAMPAIGN COMMITTEE	VA	CLARK & WEINSTOCK	06/21/2013	\$2,000.00
STACH, DEIROPE	ROYCE CAMPAIGN COMMITTEE	DC	MERCURY, CLARK & WEINSTOCK	06/21/2013	\$250.00
WEBER, VIN	ROYCE CAMPAIGN COMMITTEE	VA	CLARK & WEINSTOCK	03/08/2013	\$500.00

52. Although it may not be reflected in the FEC records, Kutler may also have contributed \$1,500 to the Royce Campaign Committee on June 21, 2013.
53. Federal Election Commission records show the following contribution from Kutler to Steve Chabot for Congress:

Contributor name	Recipient	State	Employer	Receipt date	Amount
KUTLER, EDWARD	STEVE CHABOT FOR CONGRESS	VA	MERCURY INSTRUMENTS	07/16/2014	\$500.00

54. Steven Chabot is a Member of the House of Representatives from the 1<sup>st</sup> Congressional District in Ohio who also served on the House Foreign Affairs Committee in 2013 and 2014. It is likely that this contribution was made in furtherance of the lobbyists' scheme to contribute funds from the Party of Regions and the ECFMU to federal candidates. Further investigation of Steven Chabot's and Steve Chabot for Congress' involvement in this scheme is warranted.
55. Although Manafort, Weber, Kutler, McSherry, Stach and Lankler claimed to have made the contributions in their individual capacity, the circumstances under which the contributions were made demonstrate that the lobbyists were actually making the contributions as agents of their clients, the ECFMU and the Party of Regions. Manafort, Weber, Kutler, McSherry, Stach and Lankler acted as intermediaries for ECFMU and the Party of Regions in making campaign contributions to Rohrabacher, Royce and Risch.
56. The contributions occurred at a time when Manafort, Weber, Kutler, McSherry, Stach and Lankler, through their lobbying companies, were on the payrolls of the ECFMU and/or the Party of Regions.

57. The contributions were made in the midst of their efforts to influence Rohrabacher, Royce and Risch on behalf their clients.
58. The contributions were part of a larger effort by partners and employees of Mercury and the Podesta Group to influence Members of the House Foreign Affairs Committee and the Senate Foreign Relations Committee with campaign contributions.
59. The lobbyists' pattern of activity was only consistent with their making the contributions on behalf of the ECFMU and the Party of Regions and other foreign nationals.
60. Manafort, Weber, Kutler, McSherry, Stach and Lankler, through their lobbying firms, were reimbursed for their contributions by the ECFMU and by the Party of Regions through subsequent payments for fees and reimbursed expenses. Since DMP International was wholly owned by Manafort, payments to DMP were payments to Manafort. Weber and Kutler have described themselves as "partners" at Mercury. As Partners, they have an equity interest. Payment so Mercury were payments to Weber and Kutler.
61. Relevant excerpts of Mercury's FARA filing expressly set forth the payments to Mercury in reimbursement of the contributions made by Weber, Kutler, McSherry, Stach and Lankler:

Question 14(a)

Date	From Whom	Purpose	Amount
9/19/13	ECFMU	Fee & Reimbursed Expense	\$135,860.04

Question 14(a)

Date	From Whom	Purpose	Amount
11/1/13	ECFMU	Fee & Reimbursed Expense	\$135,860.04
3/31/14	ECFMU	Fee & Reimbursed Expense	\$27,871.88
3/31/14	ECFMU	Fee	\$45,000
3/31/14	ECFMU	Fee & Reimbursed Expense	\$47,144
3/31/14	ECFMU	Fee & Reimbursed Expense	\$15,623.62
4/7/14	ECFMU	Fee & Reimbursed Expense	\$20,819.81
4/7/14	ECFMU	Fee & Reimbursed Expense	\$17,160.12
4/7/14	ECFMU	Fee	\$45,000

62. Excerpts from DMP International's FARA filing also set forth payments from the Party of Regions to Manafort and DMP in reimbursement of Manafort's contribution to Rohrabacher:

Date	Foreign Principal	Purpose	Amount
1/2013	Party of Regions	Services Rendered	\$400,000.00
2/2013	Party of Regions	Services Rendered	\$200,000.00
3/2013	Party of Regions	Services Rendered	\$500,000.00
4/2013	Party of Regions	Services Rendered	\$490,000.00
5/2013	Party of Regions	Services Rendered	\$355,000.00
6/2013	Party of Regions	Services Rendered	\$375,000.00
7/2013	Party of Regions	Services Rendered	\$315,000.00
8/2013	Party of Regions	Services Rendered	\$525,000.00
9/2013	Party of Regions	Services Rendered	\$415,000.00
10/2013	Party of Regions	Services Rendered	\$500,000.00
11/2013	Party of Regions	Services Rendered	\$300,000.00
12/2013	Party of Regions	Services Rendered	\$165,039.70

Date	Foreign Principal	Purpose	Amount
1/2014	Party of Regions	Services Rendered	\$500,000.00

63. As longstanding members of the House Foreign Affairs Committee and the Senate Committee on Foreign Relations, Rohrabacher, Royce and Risch were sophisticated in their understanding of lobbying, fund raising and the issues related to Russia and Ukraine that were under the consideration of their committees 2013. The context and timing of the payments alerted the officials/candidates that the contributions were being made on behalf of ECFMU, the Party of Regions or other foreign nationals who had retained the lobbyists and named contributors. From their long history of fund-raising, Rohrabacher, Royce and Risch knew that accepting contributions from foreign nationals was prohibited under federal law.
64. The New York times reports that: "The FBI warned [Dana Rohrabacher] in 2012 that Russian spies were trying to recruit him, officials said, an example of how aggressively Russian agents have tried to influence Washington politics." The FBI's warning alerted Rohrabacher to the need to be cautious in dealing with lobbyists for the ECFMU and the Party of Regions because they were allied with Russia and might attempt to improperly influence him through the use of illegal campaign contributions.
65. In making the contributions to Rohrabacher, Royce and Risch, the lobbyists Kutler, Weber, McSherry, Stach and Lankler disclosed to the candidates and to the Federal Elections Commission that they were employed by Mercury.
66. In making the contributions to Rohrabacher, Manafort disclosed that he was employed by Davis, Manafort & Freedman.

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67. Rohrabacher, Royce and Risch, knew that Manafort, Kutler, Weber, McSherry, Stach and Lankler served as intermediaries in transferring funds to their campaigns from foreign nationals, including the ECFMU and the Party of Regions.
  68. It has been so well publicized that the lobbyists and lobbying firms identified in this complaint were acting as unregistered foreign agents of the Party of Regions and the ECFMU that Rohrabacher, Royce and Risch have known for more than 30 days that the contributions appear to be illegal. Notwithstanding their knowledge the contributions were made in violation of the FECA and FEC regulations, Rohrabacher, Royce, Risch, and the treasurers of their campaign committees, have failed to return the contributions or disgorge them to the United States Treasury.

### **CAUSES OF ACTION**

#### **COUNT 1 - VIOLATIONS OF 52 U.S.C. § 30121 AND REGULATIONS**

##### **ILLEGAL CONTRIBUTIONS BY FOREIGN NATIONALS**

69. The allegations in the preceding paragraphs of this complaint are restated and re-alleged as if fully set forth.
70. The Federal Election Campaign Act, 52 U.S.C. § 30121 makes it unlawful for:  
  
a foreign national, directly or indirectly, to make—a contribution or donation of money or other thing of value, or to make an express or implied promise to make a contribution or donation, in connection with a Federal, State, or local election...or [for] a person to solicit, accept, or receive a contribution or donation ... from a foreign national.
71. Foreign nationals are prohibited from from directly or indirectly making a contribution in connection with a Federal, State, or local election, 52 U.S.C. § 30121(a)(1), or from directing, dictating, controlling, or directly or indirectly participating in the decision-making process of making such a contribution. 11 C.F.R. § 110.20(I).
72. The ECFMU, based in Belgium and an agent of the Party of Regions, was a foreign national and was prohibited from making contributions directly or indirectly to the Committee To Re-Elect Congressman Dana Rohrabacher, the Royce Campaign Committee, or to the Jim Risch for U.S. Senate Committee under § 30121.
73. The Party of Regions, based in Kyiv, Ukraine, was a foreign national and was prohibited from making contributions directly or indirectly to the Committee To Re-Elect Congressman Dana Rohrabacher, the Royce Campaign Committee, or to the Jim Risch for U.S. Senate Committee under § 30121.

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74. Kirsch and Yanukovych are not citizens of the United States and are foreign nationals.
  75. One of the purposes of § 30121 is to prohibit foreign nationals who are hostile to the United States' system of constitutional democracy or to the interests of the people of the United States from improperly influencing government officials or improperly effecting elections. The Party of Regions and ECFMU were hostile to the interests of the people of the United States because they were allied with the anti-democratic Putin regime in Russia. The Respondents' illegal activities in violation of the FECA were against the interests of the people of the United States and undermined the functioning of our democracy by causing hostile foreign nationals to illegally influence our government.
  76. Acting jointly and in concert, the ECFMU, the Party of Regions, Kirsch and Yanukovych illegally made contributions in connection with a federal election in violation of § 30121 and the regulations promulgated thereunder.

## **COUNT 2 - VIOLATIONS OF 52 U.S.C. § 30121 AND REGULATIONS**

### **ILLEGAL ACCEPTING, RECEIVING AND RETAINING CONTRIBUTIONS FROM FOREIGN NATIONALS**

77. The allegations in the preceding paragraphs of this complaint are restated and re-alleged as if fully set forth.
78. FECA prohibits knowingly soliciting, accepting or receiving contributions or donations either directly or indirectly from foreign nationals. In this context, "knowingly" means that a person: 1) has actual knowledge that the funds solicited, accepted, or received are from a foreign national; 2) is aware of facts that would lead a reasonable person to believe that the funds solicited, accepted, or received are likely to be from a foreign national; or 3) is aware of facts that would lead a reasonable person to inquire whether the source of the funds solicited, accepted or received is a foreign national. 11 C.F.R. § 110.20(a)(4).
79. A candidate, a candidate's committee, or a candidate's treasurer violates the prohibition on soliciting, accepting or receiving donations from foreign nationals if they knowingly solicit, accept, receive or retain contributions that appear to be illegally made either directly or indirectly by a foreign national. 52 U.S.C. § 30121, 11 C.F.R. § 103.3.
80. An individual also violates § 30121 if they knowingly provide substantial assistance in the solicitation, making, acceptance or receipt of such a contribution, 11 C.F.R. § 110.20(h)(1).

81. By receiving and accepting the contributions that were made indirectly by foreign nationals, and by retaining the contributions long after it was apparent that they were made illegally by unregistered foreign agents on behalf of foreign nationals, Rohrabacher, Royce, Risch, the Committee to Re-Elect Congressman Dana Rohrabacher, the Royce Campaign Committee, the Jim Risch for U.S. Senate Committee, Jack Wu, Kelly Lawler, Jen Slater and R. John Insinger knowingly and wilfully violated 52 U.S.C. § 30121 and the regulations promulgated thereunder.

### **COUNT 3 - VIOLATIONS OF 52 U.S.C. § 30122 AND REGULATIONS**

#### **ILLEGAL CONTRIBUTIONS BY ONE PERSON IN THE NAME OF ANOTHER**

82. The allegations in the preceding paragraphs of this complaint are restated and re-alleged as if fully set forth.

83. The Federal Election Campaign Act, 52 U.S.C. § 30122 provides:

No person shall make a contribution in the name of another person or knowingly permit his name to be used to effect such a contribution, and no person shall knowingly accept a contribution made by one person in the name of another person.

84. The purpose of § 30122 is to promote transparency and prevent individuals and other entities from circumventing the laws and regulations governing the contributing of money to candidates for elected office. Public oversight of the democratic process is limited or defeated when contributors or officials violate this section.
85. § 30122 prohibits straw donor contributions, in which one individual solicits others to donate to a candidate for federal office in their own names and furnishes the money for the gift either through an advanced payment or by means of a reimbursement.
86. A straw donor scheme can be used to illegally conceal illegal campaign contributions from a foreign national. A violation of § 30122 occurs if a foreign national gives another individual money in advance to make a campaign contribution, or reimburses another individual after the making of a campaign contribution by the other individual in their own name.
87. By making campaign contributions in the names of Manafort, Kutler, Weber, McSherry, Stach and Lankler, instead of in their own names, the ECFMU, the Party of Regions, Yanukovych and Kirsch violated § 30122 and the regulation promulgated thereunder.

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88. By making campaign contributions in their own names when they were actually making the contributions for the the ECFMU and the Party of Regions, by permitting their names to be used for such a purpose, and by receiving reimbursement for those contributions through payments subsequently made to their lobbying companies, Manafort, Kutler, Weber, McSherry, Stach and Lankler engaged in a straw donor scheme in violation § 30122.
89. Rohrabacher, Royce, Risch, the Committee to Re-Elect Congressman Dana Rohrabacher, the Royce Campaign Committee, the Jim Risch for U.S. Senate Committee, Jack Wu, Kelly Lawler, Jen Slater and R. John Insinger knowingly accepted, received and continued to retain contributions made by foreign nationals in the names of Manafort, Kutler, Weber, McSherry, Stach and Lankler in violation of 52 U.S.C. §§ 30121 - 30122 and 11 C.F.R. § 103.3.

#### REQUEST FOR RELIEF

WHEREFORE, the Complainants demand:

- A. that the Federal Election Commission find reason to believe that each of the Respondents violated 52 U.S.C. §§ 30101, *et. seq.*, including 52 U.S.C. §§ 30121 - 30122 and the regulations promulgated thereunder;
- B. that the Federal Election Commission conduct an immediate investigation of this complaint under 52 U.S.C. § 30109(a)(2);
- C. that the Federal Election Commission impose appropriate sanctions for any and all violations;
- D. that the Federal Election Commission enjoin the Respondents from any and all violations in the future;
- E. that the Federal Election Commission refer the matter for criminal prosecution to appropriate law enforcement agencies, including the Department of Justice, and that the commission take appropriate steps to advance criminal prosecutions; and,
- F. that the Federal Election Commission impose such additional remedies as are necessary and appropriate to ensure compliance with the FECA.

DATED: August 4, 2017

Respectfully submitted,



J. Whitfield Larrabee, individually  
and on behalf of the Complainants,  
Stephanie Barnard, Thomas Giles  
and Carole Elizabeth Levers.  
Law Office of J. Whitfield Larrabee  
251 Harvard Street, Suite 9  
Brookline, Massachusetts 02446

1604449755



VERIFICATION

The Complainant listed below verifies under the penalties of perjury that the statements made in the attached complaint are, upon their information and belief, true.

Sworn pursuant to 18 U.S.C. § 1001.

For Complainant: Thomas Giles

Signature:

Thomas Giles

Name:

Thomas Giles

Address:

Laguna Beach  
California 92651

*See attached acknowledgment  
dated AUG. 9, 2017*

Sworn and subscribed before me this \_\_\_\_ day August, 2017.

\_\_\_\_\_  
Notary Public

10047416/EN/6

# JURAT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of *California* )

County of *Orange* )

Subscribed and sworn (~~affirmed~~) to before me on this 9th day of AUG 2017,  
by THOMAS ALLEN GILES -

proved to me on the basis of satisfactory evidence to be the person (s) who appeared before me.

Signature

Mehdi Zahedi



Mehdi Zahedi, notary public

Notary Seal

## OPTIONAL

Though the information below is not required by law, it may prove valuable to person(s) relying on the document and could prevent fraudulent removal and reattachment of this form to another document.

Title or type of Document

Before the Federal Election Commission

Document Date

Number of pages: 1895 (including this page)

VERIFICATION

The Complainant listed below verifies under the penalties of perjury that the statements made in the attached complaint are, upon their information and belief, true.

Sworn pursuant to 18 U.S.C. § 1001.

For Complainant: Stephanie Barnard

Signature:

Stephanie Barnard

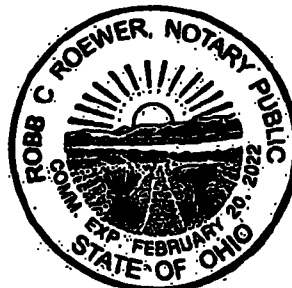
Name: Stephanie Barnard

Address:

Cincinnati, OH 45223

Sworn and subscribed before me this 7 day August, 2017.

Robb C. Roewer  
Notary Public



VERIFICATION

The Complainant listed below verifies under the penalties of perjury that the statements made in the attached complaint are, upon their information and belief, true.

Sworn pursuant to 18 U.S.C. § 1001.

For Complainant: Carole Elizabeth Levers

Signature: Carole Elizabeth Levers

Name: Carole Elizabeth Levers

Address:  
Yorba Linda  
California 92886

Sworn and subscribed before me this \_\_\_\_ day August, 2017.

SEE ATTACHED  
CALIFORNIA  
JURAT

\_\_\_\_\_  
Notary Public

1000440/579

**CALIFORNIA JURAT**  
(CALIFORNIA GOVERNMENT CODE § 8202)

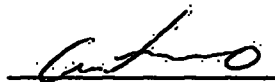
A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

STATE OF CALIFORNIA )  
COUNTY OF ORANGE )

Subscribed and sworn to (or affirmed) before me on this 05 day of August, 2017,  
by Carole Elizabeth Levers \*\*\*\*\*, proved to me on the basis of

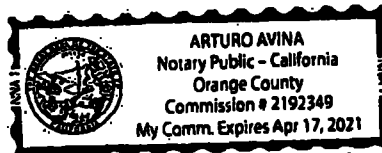
(Name of Signer ☒)

satisfactory evidence to be the person ☒ who appeared before me.



Signature of Notary Public

(Notary Seal)



**ADDITIONAL OPTIONAL INFORMATION**

**Description of Attached Document**

Title or Type of Document: Complaint Document Date: \_\_\_\_\_

Number of Pages: \*17\* Signer(s) Other Than Named Above: \_\_\_\_\_

Additional Information: Carole Elizabeth Levers... v. Party of Regions...

VERIFICATION

The Complainant listed below verifies under the penalties of perjury that the statements made in the attached complaint are, upon their information and belief, true.

Sworn pursuant to 18 U.S.C. § 1001.

For Complainant: J. Whitfield Larrabee

Signature:



Name: J. Whitfield Larrabee

Address: 251 Harvard Street, Suite 9  
Brookline, Massachusetts 02446

Sworn and subscribed before me this 10 day August, 2017.



Notary Public:

